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Yong Ju Cho

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

EXAMINER

JACOB, AJITH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,771	Applicant(s) CHO ET AL.	
	Examiner AJITH JACOB	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 14 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 directed towards software, *per se*. The claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Both types of “descriptive material” are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable

as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of “standard location information” is found to be unclear, since the standards change throughout history and within the computer arts, this terminology is unclear.

Claim Objections

5. Claim 13 objected to because of the following informalities: Line 1 of claim 13 has “15” in it which appears to be extraneous text or possible a typographic error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 6-8 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Joyner et al. (US 2003/0108205 A1).

For claim 1, Joyner et al. teaches:

In a method for addressing a media resource for a media file including a meta data box including a DID (digital item declaration) [multimedia framework, 0026] and a media data box [storage for media, 0027], a media resource addressing method comprising:

extracting a corresponding media resource according to reference information of the media resource recorded in the DID [extracting based on multimedia content description and framework, 0026]; storing the extracted media resource in the media data box [storage of extracted data, 0027]; generating standard location information of the media resource [encryption engine content in location, 0029]; storing the generated standard location information in the meta data box [encryption engine storage, 0029]; and filing the meta data box and the media data box [storage of encryption data and media, 0029].

For claim 2, Joyner et al. teaches:

The media resource addressing method of claim 1, wherein the standard location information of the media resource is generated by using an offset value of the media data box storing the media resource [various algorithms used to locate and store, 0027 and 0029].

For claim 3, Joyner et al. teaches:

The media resource addressing method of claim 1, wherein the standard location information is generated by using an offset value of an MPEG (motion picture experts group)-4 file stored in the media data box resource [various algorithms used to locate and store, 0027 and 0029] and location information of the media resource of the MPEG-4 file when the media resource is provided in the MPEG-4 file [MPEG-4 file storage in media storage, 0026-0027].

For claim 4, Joyner et al. teaches:

The media resource addressing method of claim 3, wherein location information of the media resource provided in the MPEG-4 file is a track value provided in the meta data box of the MPEG-4 file [decryption of data blocks in content, 0036].

For claim 6, Joyner et al. teaches:

The media resource addressing method of claim 1, wherein the meta data box further comprises a local item region, and the standard location information is stored in the local item region [encrypted storage data in isolated region, 0029].

For claim 7, Joyner et al. teaches:

The media resource addressing method of claim 1, wherein the media file is an MPEG-21 file [MPEG-21 file, 0026].

For claim 8, Joyner et al. teaches:

In a method for addressing a media resource for a meta data box including a DID (digital item declaration) [multimedia framework, 0026] and a media file including a media data box [media storage, 0027], a media resource addressing method comprising:

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reading reference information of a media resource recorded in the DID [reading multimedia content description and framework, 0026]; reading reference information of the media resource of a second media file when the media resource is provided in the second media file [multiple media or formats to reference, 0027]; using the reference information of the media resource and the reference information of the second media file, and generating standard location information [encryption engine to reference and store location information, 0029]; storing the standard location information in the meta data box; and filing the meta data box [storage and filing of encryption data, 0029].

Claim 14 is a device of claim 1. Joyner et al. teaches the limitations of claim 1 for the reasons stated above.

Claim 15 is a medium of claim 1. Joyner et al. teaches the limitations of claim 1 for the reasons stated above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyner et al. as set forth above against claims 1, 3, 8 and 15 above, and in view of Matsui et al. (US 6,580,756 B1).

As per claims 1, 8 and 15, Joyner et al. teaches the extraction of reference information from media [0026], storing extracted data [0027], storage of location

information [0029], file types [0026], location information based on track value [0036], and multiple media and format references [0027], but does not teach location information through ODID and ESID and location information through URL.

Matsui et al. teaches location information through ODID and ESID [Object identifier and elementary stream identifier, column 13, lines 15-28] and location information through URL [URL location of data, column 12, lines 43-55].

Joyner et al. (US 2003/0108205 A1) and Matsui et al. (US 6,580,756 B1) are analogous art because they are from the same field of endeavor of metadata and media storage.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the extraction and storage of media and metadata described by Joyner et al. and add URL, ODID and ESID information as taught by Matsui et al.

The motivation for doing so would be to realize “new functions required in the age of multimedia” [column 1, lines 62-67].

Therefore, it would have been obvious to combine Joyner et al. (US 2003/0108205 A1) with Matsui et al. (US 6,580,756 B1) for the ease of data location information.

Response to Arguments

10. Applicant's arguments filed December 18, 2007 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

Applicant argues that Joyner et al. (US 2003/0108205 A1) does not teach the extraction of a media resource and reference information being recorded in the DID.

Applicant also states that the reference also does not teach a meta data box. The reference clearly teaches the distribution of a multimedia according to the framework provided [0026]. A digital item declaration (DID) is the basic framework of MPEG-21 and that format is an extraction taught by the reference [0026]. The reference also clearly teaches the storage of the content in MPEG-21 and in a storage device coupled to the media [0026-0027].

Applicant further argues that the data storage device is not part of any media file and the reference does not teach the generation of standard location information of the media resource. Applicant also argues that the reference does not mention filing the meta data region and the media data box. The reference clearly teaches the server receiving the content, formatting it and storing it [0027]. The data, as mentioned, is included with the media file as taught by the applicant's claim 1. The reference also teaches the encryption engine storing the encrypted content, thus teaching an entity that contains location information of the contents of the meta data box [0029]. Joyner et al. also goes on to teach the storage of the compressed data into the data storage device, thus teaching the filing of the meta data in a media data box [0029].

For claim 8, applicant argues that Joyner et al. does not mention anything about using reference information of the media resource and the reference information of the second media file and generating standard location information. Reference clearly teaches the storage of content in different encryption types and also the generation of content along with the encryption key [0027], which teaches multiple file types and its reference information.

In light of the forgoing arguments, the 35 U.S.C. 102 and 103 rejections are hereby sustained.

Conclusion

The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajith Jacob whose telephone number is 571-270-1763. The examiner can normally be reached on M-F 7:30-5:00 EST, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. S./
Examiner, Art Unit 2161

3/13/2008

AJ
Patent Examiner

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161